IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(***Special Original Jurisdiction***)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO: 12790 of 2005

Between:

1 Nagapuri Kumaraswamy S/o. Late Kattamallu
R/o. H.No. 17-11-54, Ursu, Warangal.
2 Nagapuri Rajamouli S/o. Balaramulu
R/o. H.No. 17-11-98, Ursu, Warangal.
3 Nagapuri Sammaiah S/o. Ramaswamy
R/o. H.No. 17-11-102, Ursu, Warangal.
4 Nagapuri Satyanarayana, S/o. Venkatrajam,
R/o. H.No. 17-11-86, Ursu, Warangal.
5 Nagapuri Rajan Babu S/o. Venkatrajam
R/o. H.No. 17-11-86, Ursu, Warangal.
6 Nagapuri Balaram S/o. Venkatrajam
R/o. H.No. 17-11-86, Ursu, Warangal.

..... PETITIONERS

A N D

1 The District Collector, Subedari, Hanamkonda, Warangal district,
2 The Revenue Divisional Officer, Warangal, Warangal district.
3 The Mandal Revenue officer, Warangal, Warangal district.

..... RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction preferably writ of Mandamus declaring the inaction of the

Respondents in taking appropriate action on the representation dt.14-9-2004 submitted by the petitioners as forwarded by 2nd Respondent to 3rd Respondent on 24-9-2004 as illegal, arbitrary, and violative of principles of natural justice and consequently direct the respondents to take appropriate action on the representation dt.14-9-2004 with regard to withdrawal of compensation by 3rd Parties, and pass such other or further orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioners : MR.SREENIVASA RAO RAVULAPATI

Counsel for the Respondents: GOVT.PLEADER FOR REVENUE

*The Court at the admission stage made the following***:** (order follows 2nd page)

O R D E R:

This writ petition is filed to declare the inaction of the respondents in taking appropriate action on the representation dated 14-9-2004 submitted by the petitioners as forwarded by second and third respondents on 24-9-2004 as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents to take appropriate action on the said representation with regard to withdrawal of compensation by third parties.

The case of the petitioners is that they are the owners of land admeasuring Ac:1-14 gts in sy.no.285 situate at Urs Jagir, Warangal Revenue Mandal, Warangal district, which is their ancestral property and they are in peaceful possession and enjoyment thereof. The petitioners submit that out of the aforesaid land admeasuring Ac:1-14 gts in sy.no.285, an extent of Ac:0-06 gts had been acquired by the Government for laying 100 feet road connecting Hunter road-Khammam and the remaining land is in their possession to an extent of Ac:1-08 gts. The petitioners were issued pattedar passbooks and title deeds individually and apart from the above land, they have also small extent of land in sy.nos. 220, 221, 248/B, 253/B, 247.

The petitioners submit that one Mr.Bandi Kumaraswamy and his associates are interfering with their possession and enjoyment and they came to know that some third parties have made false claim in respect of their land which was acquired by the Government and withdrawn the amounts without disclosing the real facts, therefore, they have submitted a representation to the first respondent on 14-9-2004, who in turn directed the second respondent to take action.

The petitioners further submit that the second respondent, who received their representation forwarded to the third respondent through Proceedings RC.No.F/3217/04, dated 24-9-2004 directing him to conduct enquiry. When the matter was referred to the third respondent in the month of September 2004, no action has been taken and the matter is pending consideration.

While things stood thus, some third parties are creating problems and the petitioners are not in a position to resist their attempts. In the above circumstances, the petitioners seek a writ of mandamus to declare the inaction of the respondents in taking appropriate action on their representation dated 14-9-2004, which was forwarded by the second respondent to the third respondent and consequently direct the respondents to take action on their said representation with regard to withdrawal of compensation by third parties.

Heard the learned counsel for the petitioners as well as the learned Govt.Pleader for Revenue.

After going through the averments made in the writ petition, it appears that the

petitioners pleaded that they came to know that some third parties have made false claim in respect of their land which was acquired by the Government and withdrawn the amounts without disclosing the real facts. When the third parties have made false claim in respect of their land and withdrawn compensation, I am not able to understand as to why the petitioners have not impleaded the third parties, who made false claim and withdrawn the compensation amount without disclosing the real facts. On the other hand, the petitioners are seeking direction from this court to direct the respondents to take appropriate action on their representation. When once the compensation was paid to the third parties, the petitioners have not impleaded them in the writ petition. Moreover, in this writ petition, the learned counsels for the petitioners have failed to furnish when the land of the petitioners were acquired, relevant particulars of land acquisition proceedings, date of award etc. Therefore, I am not able to appreciate the contentions raised by the learned counsel for the petitioners. The writ petition fails and is liable to be dismissed.

In the result, the writ petition is dismissed. No order as to costs.

JUNE16th, 2005. ----------

I S L. ELIPE DHARMA RAO , J.

To

1 The District Collector, Subedari, Hanamkonda, Warangal district,
2 The Revenue Divisional Officer, Warangal, Warangal district.
3 The Mandal Revenue officer, Warangal, Warangal district.

4 Two C.Cs. to G.P. for Revenue, High Court Buildings, High Court of

A.P., Hyderabad (OUT)

5 Two CD Copies.